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PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS, UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 2640—L.W. 166-51-2, dated Bangalore, 3rd October 1951.

Ordered that the accompanying Notification No. L.A. 4 (3) II—2923, dated the 30th July 1951 of the Labour Appellate Tribunal of India, Calcutta, publishing the rules regulating the practice and procedure of the Labour Appellate Tribunal, in the *Gazette of India*, Part III, Section 1, dated 11th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

LABOUR APPELLATE TRIBUNAL OF INDIA.

NOTIFICATION.

Calcutta, the 30th July 1951.

No. LA-4 (3) II—2923. The following orders of the Labour Appellate Tribunal to regulate its practice and procedure are published for general information.

LABOUR APPELLATE TRIBUNAL OF INDIA.

By virtue of the powers conferred on it by sub-section (10) of section 9 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (Act XLVIII of 1950), the Labour Appellate Tribunal of India is pleased to make the following orders to regulate its practice and procedure.

ORDER No. I

1. Memoranda of appeals, applications, affidavits, and all papers to be filed in or to be used before the Tribunal shall be typed on one side only on stout foolscap paper with double spacing and a two-inch margin.

2. All applications must be in writing :—

Note:—Writing shall include Typing, Printing, Lithography or Script mechanically reproduced.

3. All applications must be supported by affidavits unless the facts stated therein appear from the record of the case.

4. (1) Affidavits containing statements of facts shall be divided into paragraphs consecutively numbered, and, as nearly as may be, each paragraph shall be confined to a distinct portion of the subject.

(2) Every person making an affidavit shall be described in such manner as to serve to identify him clearly, *e.g.*, full name, father's name and place of residence, and must be properly identified.

Note:—The person identifying the deponent shall be known to the officer before whom the affidavit is being sworn.

(3) Facts within the knowledge of the deponent must be affirmed as being to his knowledge, facts true to his information must be affirmed as such, the source of information being disclosed, and facts true to his belief must be affirmed as such.

5. Affidavits filed before the Tribunal shall have every page of the documents forming part of, or referred to, in the affidavits signed, and all corrections and additions made in the said documents initialled, by the officer or authority before whom they are sworn.

6. No affidavit, wheresoever sworn, shall be accepted in the Tribunal's office unless it complies with the requirements of Rules 4 and 5 of this Order.

7. Counter-affidavits shall be allowed to be used only if twenty-four hours' notice thereof has been given by the party desiring to use such counters-affidavits to the other side.

8. An application for stay of implementation of an award or decision and all other applications shall be filed and moved at the place where the appropriate Bench of the Tribunal is for the time being holding its sittings.

Explanation : "Appropriate Bench of the Tribunal" means the Bench taking cases from the region from which the appeal arises.

9. An application for stay of the implementation of an award or decision appealed from shall be moved as expeditiously as possible and at the earliest opportunity after the presentation of the memorandum of appeal.

10. All applications, except applications for extension of time to file an appeal, shall ordinarily be moved on notice to the opposite party given by the applicant, such notices shall specify the date and the time when, and the place where, the application is intended to be moved and must be accompanied by a copy of the application and its annexures, if any, and in the case of an application for stay of the implementation of an award or decision, also by a copy of the memorandum of appeal and of the award and decision. The applicant shall also send intimation to the office of the Tribunal about the date, time and place where the application is intended to be moved 24 hours before it is moved.

11. (1) Where on account of urgency or other sufficient cause, an application for stay of implementation of an award or decision appealed from cannot be moved with previous notice given by the applicant to the opposite party, the Tribunal may issue a *rule nisi*, with or without stay, and subject to such conditions as it may think fit to impose.

(2) In such a case as many copies of the application and its annexures, if any, as there are parties to be served, shall be filed by the applicant within twenty-four hours of the passing of the Tribunal's order and the Tribinal's office should serve the same together with a copy of the *rule nisi* on each of the opposite parties by registered post.

The Tribunal may also require the applicant to serve the same on the opposite party within a time to be fixed by it.

12. (1) No notice need be served by the Appellant on the respondent where the application is solely for the purpose of obtaining of time for filing an appeal.

(2) The Tribunal may, unless it thinks fit to issue notice of such application to the respondent, grant it *ex parte*.

13. All notices required to be served on parties by the Act, the Rules of the Central Government or by these Orders shall, unless the Tribunal otherwise directs, be served by Registered post.

14. An application for adducing additional evidence before the Tribunal shall be accompanied in original by the documents and papers intended to be used as additional evidence. A copy of the application and its annexures shall be served by the applicant on the opposite party at least a week before the date fixed for the hearing of the appeal.

15. Unless otherwise provided by the rules in these Orders, or ordered by the Tribunal, an application or affidavit of which previous notice is required to be given by a party to the opposite party, will not be allowed to be moved unless seventy-two hours' clear notice has been given to the opposite party.

16. A party intending to use at the hearing of an appeal any document or paper not already among the papers furnished to the Tribunal and the opposite party, shall prepare and file before the date of hearing three typed copies thereof, or of a translation in the English Language as the case may be, for the use of the Tribunal. He must also serve a copy there of on the other party before the hearing commences.

ORDER No. II

1. The benches of the Tribunal shall ordinarily sit from 11 A.M. to 1-30 P.M. and 2 P.M. to 4-30 P.M. on all days except Saturdays, Sundays and Holidays.

2. The office hours shall be such as the Chairman may from time to time direct.

3. The holidays and vacations to be observed by the Tribunal shall be such as the Tribunal may from time to time, with the approval of the Central Government, fix.

4. The Registrar shall be in administrative control of the Tribunal's offices and the officers in immediate charge of such offices shall be responsible to the Registrar and he to the Chairman for their efficient administration.

5. The office rooms are not open to the public. Information regarding cases shall be supplied on written applications and under the orders of a Gazetted Officer only. Where information cannot be furnished briefly the party concerned shall be asked to obtain a copy of the document or documents from which the information is available on payment of the prescribed copying fees.

6. *Bona-fide* parties or their representatives may interview any Gazetted Officer of the Tribunal during office hours on official business. They may also, on being permitted to inspect records, carry out inspection in the presence of an officer of the Court specially appointed for the purpose by the Registrar.

Parties inspecting records under this Rule or before the Tribunal shall not be allowed to take copies of any document but may take short notes for purposes of referring to the document or applying for copies thereof.

7. All official correspondence meant for the Tribunal shall be addressed to the Registrar by designation.

In the absence of the Registrar, the Deputy Registrar or Assistant Registrar, as the case may be, shall open and deal with such correspondence.

8. The Registrar, and in his absence the Deputy Registrar shall have a list made out of the appeals filed, according to the order in which they are received and have them marked serially and entered in a Register to be maintained for the purpose.

9. Applications shall be separately numbered and entered in a separate Register but after being so numbered and entered, applications relating to matters pending before the Tribunal or disposed of by it shall be placed and dealt with with the records of the appeals or other proceeding to which they relate, cross reference being given in the Registers of appeals and Applications.

ORDER No. III

1. The Tribunal may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of practice and procedure as it shall consider just and expedient.

2. An application to be excused from compliance with the requirements of any of the Rules shall be addressed in the first instance to the Registrar, who shall take the instructions thereon of the Tribunal and communicate the same to the parties, but if in his opinion it is desirable that the application should be dealth with in open Court, he may direct the applicant to lodge it in the Registry and to serve the other parties with a notice of motion returnable before the Tribunal.

3 The Tribunal may enlarge or abridge any time appointed by these Rules, or fixed by any order enlarging time for doing of any act or taking a proceeding upon such terms (if any) as the justice of the case may require, and any enlargement may be ordered although the application therefor is not made until after the expiration of the time appointed or allowed.

4. Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

ORDER No. IV

I Copies.

1. A party shall be entitled at any stage to obtain a copy of the record of the case or any portion thereof including exhibits which have been put in and finally accepted in evidence, but excluding confidential papers and office notes.

2. A stranger to an appeal or application may, after decision, obtain a copy of any document on the record of a case, except confidential documents and office notes :

Provided that a stranger may not be given a copy of exhibits admitted in evidence except with the consent of the person by whom they were produced or his successor in interest.

3. Every such copy shall be examined and certified as correct before it is issued from the office of the Tribunal.

NOTE.—No copy shall be certified unless it has been prepared in the Tribunal's office.

4. The fees for preparing and certifying copies shall be such as may from time to time be prescribed and shall be deposited in cash.

Copies of decisions may be supplied to the Press on formal application being made and, unless otherwise ordered by the Chairman, shall be charged for at the rates prescribed for preparing copies.

Editors of such Law Journals as may be approved by the Tribunal shall be allowed to make copies of decisions free of charge provided that the copies are made by thier own agents, using their own typewriters and stationery and that such copying work is done in the presence of an Officer deputed by the Registrar for the purpose :

Provided further that applications for such copies are made within seven days of the disposal of a case.

NOTE.—Nothing contained in this rule or the previous thereto, shall affect or limit the power of the Tribunal to withdraw or modify at any time the privilege or concession granted under this Rule or otherwise, without any reasons being given for such withdrawal or modification.

5. Ordinary applications for copies shall be made between 11 A.M. and 3-30 P.M. on working days and between 11 A.M. and 12 Noon on Saturdays.

Applications for urgent copies may be made at any time during office hours.

6. Applications for copies shall be made in the prescribed form (Form No. XV appended to these Rules) copies whereof may be obtained from the Office of the Tribunal.

7. On receipt of an application for a copy, the Head Clerk shall inform the applicant of the amount of fees payable and that his application will not be considered complete and the preparation of the copy will not be commenced, until he has deposited the said amount.

8. If, owing to insufficient or incorrect description the document of which a copy is sought cannot be traced, that fact should be endorsed on the application which should be submitted to the Assistant Registrar for orders.

9. If the estimated amount of fees is not putin within seven days of its being notified to the applicant the application for copy shall be rejected.

10. If an application has been rejected under Rule 9, and a copy is still required, a fresh application must be filed and dealt with in the manner prescribed, as though the original application had not been made.

11. When the estimated amount has been paid, a note to that effect and the date of payment shall be entered in the place provided in the application for that purpose and the applicant required to sign the entry. The date on which the copy will be ready shall also be noted in the appropriate column of the application form and a corresponding entry shall be made in the counterfoil of the application. The applicant shall retain the counterfoil and shall attend on the date fixed for the purpose of receiving the copy.

12. If and when it is ascertained that additional fees are necessary the amount thereof shall be immediately notified to the applicant and shall be putin within seven days of receipt of the notice.

13. When the applicant complies with Rule 12 a note should be made on the reverse of the counterfoil showing the additional amount and the date of payment as also the subsequent date fixed for delivery. This note shall be signed both by the applicant and by the Head Clerk.

14. Every copy must bear the signature of the copyist making it and the date on which the copy was completed. It must also bear the signature of the Clerk who examined the copy and the date on which such copy was examined.

15. In ordinary circumstances a copy shall be furnished not later than 1 P.M. on the third day after the necessary fee, or additional fee, has been put in.

15-A. If the applicant furnishes his address accompanied by a sufficient amount (in cash) to cover the cost of registration (A.D.), a copy may be sent to him by post.

15-B. A notice showing what copies are ready for delivery shall be put up on the notice board at the close of each day.

16. Should the applicant fail to appear to claim the copy before the last day of the month succeeding that in which the copy was ready for delivery, or should he fail to putin the additional fee within the period prescribed in Rule 12 such copy shall be destroyed.

17. A certified copy shall bear the seal of the Tribunal and shall be "certified to be a true copy" and signed by an Officer empowered to do so by the Registrar. The Certifying officer shall append to his signature the words "authorised under Section 76 of Act I of 1872".

18. When a copy is granted, the following particulars shall be recorded on the back of the copy itself and in the form given below :—

(i) Date of application for copy,

(ii) Date of notifying the fee payable,

(iii) Date of deposit of fee,

(iv) Date on which copy was ready for delivery,

(v) Date of making over copy to applicant.

19. A Register shall be maintained in respect of application for copies in the prescribed form (Form No. XVI-appended to these Rules).

II. Inspection.

20. No record of any case shall be removed from the Tribunals/premises except under the order in writing of the Chairman, or of a Member or the Registrar, Deputy Registrar or Assistant Registrar.

21. Inspection of records shall only be allowed upon an application being made in the form prescribed for the purpose (Form No. XVII appended to these Rules), obtainable from the office of the Tribunal.

22. Every application for inspection shall specify the record or paper of which inspection is desired and the name of the person or persons by whom the inspection will be made.

23. No record or paper of any department shall be inspected by any person other than the Chairman, a Member or an Officer of the Tribunal, except upon an order in writing of the Chairman, a Member or Gazetted Officer of the Tribunal.

Provided that a party appearing in person in an appeal or other proceeding or a Legal practitioner appearing, for a party may, upon filing an application in the prescribed form, inspect a record in the room provided for the purpose without a formal order in writing obtained under this rule but in the presence of the officer nominated by the Registrar for the purpose of giving inspection;

NOTE.—Rules 19 to 23 and 24 of these Rules shall not apply to inspections made in Court under orders obtained from the Tribunal and in the presence of the Court Clerk.

24. A stranger to an appeal or other proceeding shall not be entitled as of right to inspect any record or document. He may, however, apply for an order to inspect such record or document, provided that he shall not be allowed to inspect exhibits put in evidence except with the consent of the person by whom they were produced or his successor in interest. Every such application shall be in the prescribed form (see Rule 21) and shall specify the paper or papers which it is desired to inspect and clearly state the reason for which inspection is sought.

25. Every application for inspection shall be made between the hours of 10-45 A.M. and 3-30 P.M. on a Court day and between the hours of 11 A.M. and 12 NOON on Saturdays.

26. Every order by which inspection is allowed shall state the name of the person who may make such inspection.

26. (*a*) No person inspecting a record or paper shall make any mark on, or in any respect mutilate, any record or paper which is being inspected.

(*b*) He may make short notes but shall on no account be allowed to make a copy or translation of any paper or record or to compare a copy of translation already made.

NOTE.—The words "short notes" in this rule mean such brief notes or memoranda with respect of the date and nature of the documents, names of parties, etc. as may be necessary to identify the document or record, in case a copy is required.

27. No one, other than the Chairman, a Member or a Gazetted Officer of the Tribunal, shall be allowed to inspect any Register of the Tribunal or of the Office except on an order in writing of the Registrar or other Gazetted Officer and in the presence of the officer whose duty it is to keep such Register.

III Information.

28. Applications for information shall be made by the parties or their representatives only, in the prescribed form (Form No. XVIII appended to these Rules), copies of which will be available in the Office of the Tribunal, and delivered to the Head Clerk.

29. On receipt of the application the Head Clerk shall, if the information is available, fill in the information both in the upper and lower halves of the form in their proper places.

If the information is not immediately available, the Head Clerk shall state in the appropriate place the date on which the applicant should call for the informa tion and shall make over the lower portion of the form to the applicant. Upon the applicant calling for the information on the date stated he shall supply the information in the appropriate place, and acknowledgment for the same being obtained on the upper portion of the form which shall be placed in Part II of the Tribunal's file of the case in respect of which the information was supplied.

30. Unless it is immediately available and supplied, information shall ordinarily be supplied on the next day after application.

NOTE.—(i) Information requiring any thing but short answers shall not be given. If an extract from the record or the substance of any order or decree or other document is desired, the proper course is to apply for a copy.

(ii) Defective applications and applications in which the information asked for cannot for any reason be given shall be rejected subject to the orders of the Registrar.

FORM No. XV.

Application for copy.

LABOUR APPELLATE TRIBUNAL OF INDIA.

Serial No.

Application for ——— urgent / ordinary ——— copy

Appeal / Application ——— No. of 195

Appellant

Petitioner

Versus

Respondent

Opp. Party

Description of document of which a copy is wanted with date when necessary.

Application is made by....., the undersigned for certified copy of the marginally noted document from the Tribunals file in the above case which was disposed of on..... is still pending.

Date.....

Signature of the applicant.

Office Report

The copy will cover sheets.

Clerk

Head Clerk

To be

Estimate of Costs

.....
Applicant's signature.

....
Record received on

.....
Copy will be ready on

....
Copy actually read on

.....
Copy delivered on

Perforated.

Serial No.

Received on application for copy bearing the above number.

Estimated cost Rs. As.

To attend for copy on.....

Date

Head Clerk.

Received copy on.....

Applicant.

Note—The application will not be considered as complete until costs have been supplied in full, which must be done within seven days of the date of the estimate. All enquiries and complaints shall be accompanied by this counterfoil. It will have to be given up when the copy is delivered.